

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FERNANDEZ SANTIAGO,

Petitioner,

v.

PAUL RUANE,

Respondent.

Civil Action No. 04-12022-MLW

**RESPONDENT PAUL RUANE’S MOTION FOR EXTENSION OF TIME WITHIN
WHICH TO RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS**

Respondent Paul Ruane hereby respectfully moves this Court to extend until October 21, 2005 the time within which he must answer or otherwise respond to Petitioner Fernandez Santiago’s petition for a writ of habeas corpus. In support of this Motion, Respondent states as follows:

1. Counsel for Respondent received Santiago’s petition from the Court on August 31, 2005. Unfortunately, one page of Santiago’s petition—page 5, which states the grounds for relief and the facts supporting them—was missing from the petition. Counsel for Respondent acquired a duplicate copy of Santiago’s petition via the PACER service, but that copy suffered from the same defect; it was also missing page 5. Counsel for Respondent contacted the Court’s docket clerk, Kathleen Boyce, and received the missing page from Ms. Boyce on September 16, 2005.

2. Counsel for Respondent has requested documents relating to Santiago’s 1992 convictions from the Suffolk County Superior Court and the archives of the Attorney General’s

Office. After these documents are received, counsel for Respondent must review these documents in order to prepare an appropriate response to Santiago's petition.

3. Respondent's response is currently due on September 20, 2005.

4. No previous application for an extension of time to answer or otherwise respond to Santiago's petition has been made to the Court.

5. Allowance of this Motion will enable counsel for Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

WHEREFORE, Respondent Paul Ruane respectfully requests that the Court extend the time within which he must answer or otherwise respond to Santiago's petition for a writ of habeas corpus until October 21, 2005.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Scott A. Katz
Scott A. Katz (BBO # 655681)
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2833

Dated: September 19, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that Petitioner is currently incarcerated at a Massachusetts Correctional Institution and is not represented by counsel, rendering pre-filing conference impracticable.

/s/ Scott A. Katz
Scott A. Katz

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon petitioner Fernandez Santiago, Pondville Correctional Center, P.O. Box 146, Norfolk, MA 02056 by first-class mail, postage prepaid, on September 19, 2005.

/s/ Scott A. Katz
Scott A. Katz